

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 64744

615 S. 46th Street LLC
P. O. Box 105
Glen Arm, MD 21057

615 S. 46th Street

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 12, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store garbage in containers with tight fitting lids; section 13-7-401, 402, 403, failure to maintain grass to the height of 3 inches or less; Baltimore County Zoning Regulations (BCZR) section 1B01.1D, failure to cease open dump conditions on residential property zoned Dr 3.5 known as 615 S. 46th Street, 21224.

On July 22, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ed Creed issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Gil Garczynski, Jr., Respondent and Ed Creed, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 4, 2009 for repair of downspout improperly draining on neighboring property, and for use of trashcans without lids. This Citation was issued on July 22, 2009 for open dump conditions and failure to store garbage in containers with tight lids.

B. Photographs in the file show bagged garbage on the ground, and a can overflowing with bagged garbage. This violates prohibitions against the creation of rat harborage. Garbage must be properly stored in cans with tight-fitting lids.

C. Respondent Garczynski testified that there was some delay in getting the County's notices to him as the responsible party. He further testified that he has provided cans with lids and will ensure continued compliance. Because compliance is the goal of code enforcement, and Respondent has testified that the violation was corrected prior to this Hearing, the civil penalty will be rescinded if re-inspection finds the violations corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection within two weeks after this Order finds the violation corrected, with garbage properly stored in cans with tight-fitting lids. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.